

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CARLOS FLORES, LAWRENCE BARTLEY,
DEMETRIUS BENNETT, ANTONIO
ROMAN, TERRANCE ANDERSON and
VINTARRA MARTIN, on behalf of
themselves and all others similarly situated,

Plaintiffs,

-against-

TINA M. STANFORD, as Chairwoman of the
New York State Board of Parole; WALTER W.
SMITH, as Commissioner of the New York
State Board of Parole; JOSEPH P. CRANGLE,
as Commissioner of the New York State Board
of Parole; MARC COPPOLA, as
Commissioner of the New York State Board of
Parole; TANA AGOSTINI, as Commissioner
of the New York State Board of Parole;
CHARLES DAVIS, as Commissioner of the
New York State Board of Parole; ERIK
BERLINER, as Commissioner of the New
York State Board of Parole; OTIS CRUSE, as
Commissioner of the New York State Board of
Parole; TYECE DRAKE, as Commissioner of
the New York State Board of Parole, CARYNE
DEMOSTHENES, as Commissioner of the
New York State Board of Parole; MICHAEL
CORLEY, as Commissioner of the New York
State Board of Parole; CHANWOO LEE, as
Commissioner of the New York State Board of
Parole; SHEILA SAMUELS, as Commissioner
of the New York State Board of Parole; ELSIE
SEGARRA, as Commissioner of the New York
State Board of Parole; and CARLTON
MITCHELL, as Commissioner of the New
York State Board of Parole,

Defendants.

No. 18-CV-02468 (VB)(JCM)

**DECLARATION OF DAMARIS
HERNÁNDEZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

I, **DAMARIS HERNÁNDEZ**, declare as follows:

1. I am an attorney admitted to practice before this Court and am a member of the law firm of Cravath, Swaine & Moore LLP (“Cravath”), co-counsel for Carlos Flores, Lawrence Bartley, Demetrius Bennett, Antonio Roman, Terrance Anderson and Vintarra Martin, on behalf of themselves and others similarly situated (collectively, “Plaintiffs”) in the above-captioned matter. I am admitted to practice in the State of New York and in the United States District Court for the Southern District of New York. I submit this Declaration in Support of Plaintiffs’ Motion for Class Certification.

2. This action qualifies as a class action under Rules 23(a), (b)(1)(A) and (b)(2) of the Federal Rules of Civil Procedure. The proposed class consists of all persons eligible for release to parole supervision who were convicted of crimes committed when they were children under the age of 18 and sentenced to indeterminate life sentences with the possibility of parole in the custody of the New York State Department of Corrections and Community Supervision.

3. Based on publicly available information, I estimate that in New York, there are approximately 351 persons currently serving life sentences for offenses they committed between the ages of 13 and 17.¹ Approximately 57 of those people are currently eligible for release to parole supervision.

4. I attach as Exhibit 1 excerpts from a true and correct copy of the official deposition transcript of Tana Agostini.

¹ By running the information from the spreadsheet of 2019 juvenile lifer information produced by Defendants (STANFORD0010214) through the DOCCS “Inmate Lookup” webpage (<http://nysdoccslookup.doccs.ny.gov>), my team was able to determine the individuals who were still in DOCCS custody as of January 2022.

5. I attach as Exhibit 2 excerpts from a true and correct copy of the official deposition transcript of Ellen Alexander.

6. I attach as Exhibit 3 excerpts from a true and correct copy of the official deposition transcript of Terrance Anderson.

7. I attach as Exhibit 4 excerpts from a true and correct copy of the official deposition transcript of Lawrence Bartley.

8. I attach as Exhibit 5 excerpts from a true and correct copy of the official deposition transcript of Demetrius Bennett.

9. I attach as Exhibit 6 excerpts from a true and correct copy of the official deposition transcript of Erik Berliner.

10. I attach as Exhibit 7 excerpts from a true and correct copy of the official deposition transcript of Marc Coppola.

11. I attach as Exhibit 8 excerpts from a true and correct copy of the official deposition transcript of Michael Corley.

12. I attach as Exhibit 9 excerpts from a true and correct copy of the official deposition transcript of Joseph Crangle.

13. I attach as Exhibit 10 excerpts from a true and correct copy of the official deposition transcript of Otis Cruse.

14. I attach as Exhibit 11 excerpts from a true and correct copy of the official deposition transcript of Charles Davis.

15. I attach as Exhibit 12 excerpts from a true and correct copy of the official deposition transcript of Caryne Demosthenes.

16. I attach as Exhibit 13 excerpts from a true and correct copy of the official deposition transcript of Tyece Drake.

17. I attach as Exhibit 14 excerpts from a true and correct copy of the official deposition transcript of Carlos Flores.

18. I attach as Exhibit 15 excerpts from a true and correct copy of the official deposition transcript of Chanwoo Lee.

19. I attach as Exhibit 16 excerpts from a true and correct copy of the official deposition transcript of Vintarra Martin.

20. I attach as Exhibit 17 excerpts from a true and correct copy of the official deposition transcript of Carlton Mitchell.

21. I attach as Exhibit 18 excerpts from a true and correct copy of the official deposition transcript of Antonio Roman.

22. I attach as Exhibit 19 excerpts from a true and correct copy of the official deposition transcript of Sheila Samuels.

23. I attach as Exhibit 20 excerpts from a true and correct copy of the official deposition transcript of Elsie Segarra.

24. I attach as Exhibit 21 excerpts from a true and correct copy of the official deposition transcript of Walter Smith.

25. I attach as Exhibit 22 excerpts from a true and correct copy of the official deposition transcript of Michele Staley.

26. I attach as Exhibit 23 excerpts from a true and correct copy of the official deposition transcript of Tina Stanford.

27. I attach as Exhibit 24 excerpts from a true and correct copy of the official deposition transcript of Kathleen Kiley.

28. I attach as Exhibit 25 the Expert Report of Cynthia Rudin, Ph.D.

29. I attach as Exhibit 26 the Expert Report of James Austin, Ph.D.

30. Cravath will provide adequate representation to the proposed class in this litigation in conjunction with attorneys Issa Kohler-Hausmann and Avery Gilbert.

31. Cravath has been counsel of record in numerous complex class actions since 2007. These actions include large consolidated class actions, with multiple parties and various defendants, as well as single class actions against a single defendant. *See, e.g., In re Am. Int'l Grp., Inc. 2008 Sec. Litig.*, No. 08-4772 (S.D.N.Y. filed May 21, 2008).

32. Cravath also has experience representing plaintiffs in a public interest context. *See, e.g., United States v. Jefferson Cnty.*, No. 75-cv-00666 (N.D. Ala. filed May 27, 1975) (representing, over the course of 45 years through December 2020, a class of African American and female police officers and firefighters alleging employment discrimination by governmental employers in Birmingham, Alabama); *Elisa W., et al. v. City of New York, et al.*, No. 15 Civ. 5273 (S.D.N.Y. filed July 8, 2015) (representing a group of 19 children who have spent time in foster care in New York City on behalf of a putative class of similarly situated children, alleging systemic deficiencies in the New York City foster care system giving rise to constitutional and

statutory violations); *Diaz v. Artus, et al.*, No. 13 Civ. 00021 (W.D.N.Y. filed January 9, 2013, Cravath entered appearances in April 2014) (representing a prisoner in a § 1983 lawsuit for excessive force in violation of the Eighth Amendment and retaliation in violation of the First Amendment); *In the Matter of David Putland v. New York State Dep't of Corrections and Comm. Supervision*, 158 A.D.3d 633 (2d Dep't 2018) (represented a juvenile offender who had been incarcerated over 38 years and was repeatedly denied parole in violation of his Eighth Amendment rights).

33. In *Jefferson County*, the case terminated once the City of Birmingham and Jefferson County had demonstrated lawful hiring and promotion processes for White and African American police officers and firefighters as well as the presence of high-ranking women and African Americans in the City and County workforces. In *Putland*, the client was granted parole in March 2018. The *Elisa W.* and *Diaz* matters are ongoing.

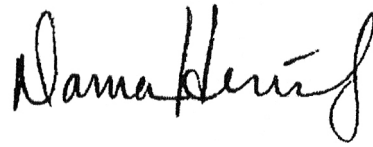
34. Between 2007 and 2011, Cravath also represented a class of incarcerated prisoners with psychiatric disabilities in this Court. See *Messiah S. et al. v. Alexander et al.*, No. 07-1327 (S.D.N.Y. filed Feb. 22, 2007).

35. As a result of my extensive experience and current research, I am knowledgeable about the applicable law, both in the Second Circuit and federal courts nationally.

36. Cravath will bring significant complex class action experience and expertise as well as sufficient resources to this litigation to provide adequate co-representation to the class.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of October 2022.

A handwritten signature in black ink, appearing to read "Damaris Hernández", written in a cursive style.

Damaris Hernández